

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

MARIO WHITAKER,)	
)	
Petitioner,)	
)	
v.)	CV416-328
)	
NO NAMED RESPONDENT,)	
)	

REPORT AND RECOMMENDATION

Mario Whitaker filed a self-styled “Petition for Certificate of Appealability,” alleging that this Court “rejected many of [his] claims on a procedural ground”¹ in “direct[] conflict[] with a subsequent Ninth Circuit opinion.” Doc. 1 at 1 (citing *United States v. Astrar*, 116 F.3d 1268 (9th Cir. 1997)). He was ordered to submit a completed § 2254 form petition or risk a recommendation of dismissal. Doc. 2. He has not complied with or responded to the Court’s order.

This case should be dismissed without prejudice on inactivity and, thus, abandonment grounds. Doc. 2 at 2 (Order warning Whitaker of dismissal if he failed to return his § 2254 form petition and any

¹ A Pacer search of the federal dockets in Georgia, however, reveals no initial habeas petition, much less one dismissed by this Court on procedural grounds.

supporting memorandum by February 3, 2017). *See* L.R. 41(b); *see Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962) (courts have the inherent authority to dismiss claims for lack of prosecution); *Mingo v. Sugar Cane Growers Co-op*, 864 F.2d 101, 102 (11th Cir. 1989); *Jones v. Graham*, 709 F.2d 1457, 1458 (11th Cir. 1983); *Floyd v. United States*, CV491-277 (S.D. Ga. June 10, 1992).

SO REPORTED AND RECOMMENDED, this 15th day of February, 2017.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA